

**DECLARATION and POWER OF ATTORNEY**

Docket No.699-23-001

We, SHAWN W. SMITH and MARK R. CROMACK, declare: We are citizens of the United States, residing in Ventura, California and Santa Ynez, California, respectively. We believe we are the original, first and joint inventors of the invention entitled "ADAPTIVE JITTER BUFFER FOR INTERNET TELEPHONY" described and claimed in the attached specification. We have reviewed and understand the contents of the specification, including the claims. We acknowledge a duty to disclose information of which we are aware that is material to the examination of this application in accordance with 37 C.F.R. 1.56(a).

We hereby appoint William L. Johnson (Reg. No.41,876) and Richard S. Koppel (Reg. No. 26,475), whose address is:

**KOPPEL & JACOBS**

555 St. Charles Drive, Suite 107

Thousand Oaks, California 91360

Telephone: (805) 373-0060

our agent and attorney, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected with the application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application or any patent issuing from this application.

Wherefore, we subscribe our names to the foregoing specification, claims and declaration.

Date: \_\_\_\_\_, 2000 \_\_\_\_\_

Post Office Address: SHAWN W. SMITH  
820 Summit Drive  
Ventura, California 93001

Date: \_\_\_\_\_, 2000 \_\_\_\_\_

Post Office Address: MARK R. CROMACK  
2995 Redondo Court  
Santa Ynez, California 93460

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: SHAWN W. SMITH AND MARK R. CROMACK

Title: ADAPTIVE JITTER BUFFER FOR INTERNET TELEPHONY

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS

I, MARK R. CROMACK, declare: I am the President of RENAISSANCE NETWORK TECHNOLOGY and am authorized to make this Statement. RENAISSANCE NETWORK TECHNOLOGY qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

All rights under contract or law have been conveyed to and remain with RENAISSANCE NETWORK TECHNOLOGY with regard to the invention entitled "ADAPTIVE JITTER BUFFER FOR INTERNET TELEPHONY", which is Docket No. 699-23-001 in the files of RENAISSANCE NETWORK TECHNOLOGY's lawyers KOPPEL & JACOBS.

RENAISSANCE NETWORK TECHNOLOGY acknowledges the duty to file, in this application or the patent issuing on this application, notification of any change in status resulting in loss of entitlement to small entity status before paying, or at the time of paying, the earliest of the issue fee or any maintenance fee which is due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b)).

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing from this application.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mark R. Cromack  
President  
RENAISSANCE NETWORK TECHNOLOGY  
829 De La Vina Street, Suite 200

00320354360

**A S S I G N M E N T**

We, SHAWN W. SMITH, residing at, 820 Summit Drive, Ventura, California, and MARK R. CROMACK, residing at, 2995 Redondo Court, Santa Ynez, California represent that we have invented improvements in a new and useful "ADAPTIVE JITTER BUFFER FOR INTERNET TELEPHONY, for which we have executed an application for Letters Patent of the United States of America on the same day as our execution of this Assignment.

RENAISSANCE NETWORK TECHNOLOGY is a corporation organized and existing under the laws of the State of California, has a place of business at 829 De La Vina Street, Suite 200, Santa Barbara, California 93101, and desires to acquire the entire right, title and interest in and to the invention, application and letters patent to be granted and issued thereon.

For valuable consideration, the receipt and legal sufficiency of all of which we acknowledge, we have sold and do hereby sell, assign, transfer and set over unto RENAISSANCE NETWORK TECHNOLOGY, its successors and assigns, the entire right, title and interest in and to the invention and all improvements thereon, in and to the application for letters patents thereon, in and to applications pertaining to or based upon the invention and application, including divisional and continuing applications and continuations-in-part, and in and to any and all letters patent which may be granted and issued on the invention and applications, or any of them, in the United States of America, its territories and possessions, and in all countries foreign thereto, together with and including all priority rights based upon any and all applications in the United States of America covered by this Assignment.

We also agree that we will, at the request of RENAISSANCE NETWORK TECHNOLOGY, execute any and all applications for letters patent for the invention, execute any and all other papers and documents and do all other and further lawful acts that RENAISSANCE NETWORK TECHNOLOGY may deem necessary or desirable to obtain letters patent on the invention, to secure the grant of such letters patent and to protect and vest in RENAISSANCE NETWORK TECHNOLOGY the undivided interests in the right, title and interest in the invention, applications and letters patent.

We also authorize and empower RENAISSANCE NETWORK TECHNOLOGY, its successors and assigns to apply for and obtain, in its or their own names, letters patent for the invention before competent International Authorities and in any and all countries foreign to the United States in which applications for letters patent can be so made or letters patent so obtained.

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EXECUTED at \_\_\_\_\_, County of \_\_\_\_\_, and State  
of California this \_\_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
SHAWN W. SMITH

\_\_\_\_\_  
MARK R. CROMACK

STATE OF CALIFORNIA     )  
COUNTY OF                 ) ss.

On \_\_\_\_\_ before me, \_\_\_\_\_, a  
Notary Public in and for said State, personally appeared SHAWN W.  
SMITH and MARK R. CROMACK, personally known to me (or proved to me  
on the basis of satisfactory evidence) to be the person whose name  
is subscribed to this instrument, and acknowledged to me that he  
executed it.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public